

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated October 30, 2006.

Applicant's attorneys appreciate the Examiner's continued thorough search and examination of the present patent application.

Claims 1-15 are pending in this application. All claims have been rejected.

DRAWINGS OBJECTIONS

The drawings have been objected to by the Examiner because of handwritten or hand drawn elements including all numerals. Replacement sheets for Figures 1-11 are enclosed herewith in compliance with the Examiner's objections.

RESPONSE TO ARGUMENTS

The Examiner rejected the argument presented in the Amendment filed on August 1, 2006 because, as the Examiner asserts, support for the Applicant's example is not found. The Examiner is directed to the third paragraph on page 7 of the specification of the present application. This passage fully describes the presented Example. In accordance with the specification the viewer information or characteristics are determined outside of the receiver/settop box by entities that aggregate demographic and related data, the specification, on page 7, lines 20-25 states:

The MDE receives profile information on viewers from the matching engine using the delivery engine. The matching engine manages and controls the delivery of such information received from broadcasters and multiple services operator; information that can be based on subscription information provided to the operator by the viewer and/or information the operator has acquired from other sources.

The presented example described, General Motors Corporation (GM) maintaining a list of Cadillac customers around the U.S. When GM decides to air targeted ads for Cadillac, it provides to the head-end (i.e., as stated in the above specification passage, received by the MDE 250 (see Figure 1) on the receiver 170 from the matching engine 260/270 using the delivery engine 250) a customer list together with versions of content, i.e., advertisements, targeted to different groups of viewers.

The example explains that the head-end (or the matching engine using the delivery engine) merges the customer list with its viewer list in order to select receiver/settop box addresses of viewers that are found in both lists for targeted advertising. This is only provided as an explanation. The application does not claim the merging of the customer and viewer lists because this practice is well known and common in the industry.

The example went on to state that once this list is established, the viewer information or characteristics are sent to and received on the target receivers/settop boxes, once received, the user characteristics provide instructions that the target viewer is a member of, e.g., the Cadillac Owners group, the specification, on page 7, lines 25-31 states:

The viewer profile data can be forwarded in encrypted or unencrypted format. In an embodiment of the present invention, the data is kept in encrypted format within the facilities of a conditional access system to prevent unauthorized access, as would be known to persons skilled in the art. In this way, the processing may prohibit the retrieval of data by unauthorized functions or functions outside of the secure facilities, with only the results of the match returned to the requesting method.

Thus, both the example and the specification support determining user characteristics of a target viewer or a viewer, “the user characteristics characterizing the at least one viewer selected to view the target content” recited in claims 1, 12, and 15. The characteristics being provided to the receiver after being determined elsewhere.

In col. 10, lines 48-53, Zigmond states:

Specific examples of the viewer and system information stored in storage location 82 include the following. Viewer demographic data may be stored in storage location 82, including age, sex, income, preferred language, number of residents, or similar information.

and in col. 11, lines 13-18:

The viewer and system information may further include information relating to the viewing habits of the viewers in the household. The viewing habits may be described by monitoring the times of day that programming is watched, the amount of time spent viewing particular channels, preferred types of programming, etc.

This is not the same or remotely equivalent to the above described viewer characteristic

determined outside of the receiver and provided to the receiver by a third party. Unlike Zigmond the present application is not limited to demographic characteristics. Once received, the user characteristics sent to the receiver place that receiver and its viewer into a target group, e.g., the Cadillac Owners group. All receivers that are part of that group will display alternative/targeted versions of some content, e.g., a Cadillac advertisement, instead of a default GM advertisement being presented to the general public.

REJECTION UNDER 35 U.S.C. §102

Claims 1, 12 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,698,020 to Zigmond et al. (“Zigmond”).

Reconsideration and withdrawal of this rejection are respectfully requested.

The independent claims of the present application were amended for clarity and completeness. These claims are directed to presenting target content to at least one target viewer selected from a plurality of users in a communications network. The user characteristics characterizing the at least one viewer selected to view the target content are determined for transmission to the receivers of the selected at least one viewer. Once receiving on the receiver devices, the user characteristics are used to selecting and present the target content. This implies that only the receivers that received the appropriate “user characteristics” will display the target content. Zigmond does not teach that.

The Examiner refers to col. 11, lines 13-18 of Zigmond as teaching the user characteristics determining element of independent claims 1, 12, and 15. As discussed above and argued in the Amendment submitted on August 1, 2006, the section referenced by the Examiner discussing viewing habits of the viewers in the household collected and kept on the receiver. These viewing habits are not equivalent to the user characteristics recited in the claims of the present application.

Assuming arguendo that the user characteristics is a collection of viewing habits, then any receiver connected to the network will receive the targeted content when the collected viewer habits change matching the targeting criteria. In other words, in Zigmond the viewer (or viewer’s habits) control targeting. The present invention does not allow such eventuality. Only the receivers that receive the user characteristics will display the content, the user characteristics are

not determined by or on the receiver.

Referring to the Cadillac example, because of the difference in who determines or where determination of the characteristics is performed, Zigmond cannot select all viewers that are known to be Cadillac owners, determine user characteristics that will include only the known Cadillac owners, provide that determined user characteristic to these users' receivers, and display content that is targeted to the known Cadillac owners only to the known Cadillac owners.

Therefore, Zigmond does not teach, disclose, or suggest at least "determining user characteristics characterizing the at least one viewer selected to view the target content" and "receiving the user characteristics and schedule information on a target viewer's receiver device" recited in independent claims 1, 12, and 15.

REJECTIONS UNDER 35 U.S.C. §103

Claims 2, 4 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of U.S. Patent Application Publication No. 2002/0083441 to Flickinger ("Flickinger") and further in the view of U.S. Patent No. 6,324,519 to Eldering et al. ("Eldering '519").

Claims 3 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering '519 as applied to claim 2 above, and further in view of U.S. Patent No. 6,353,929 to Houston ("Houston").

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering '519 in view of Fopeano, and further in view of U.S. Patent No. 6,614,987 to Ismail ("Ismail").

Claims 7, 8 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Flickinger in view of Eldering '519 as applied to claim 2 above, and further in view of U.S. Patent No. 6,029,045 to Picco et al. ("Picco").

Claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of U.S. Patent No. 6,704,930 to Eldering et al. ("Eldering '930").

Reconsideration and withdrawal of these rejections are respectfully requested.

Flickinger, Eldering '519, Houston, Ismail, Picco, and Eldering '930 have not been used by the Examiner to reject the independent claims. These prior art references do not remedy the

deficiencies of Zigmond.

Thus, Applicants' independent claims 1, 12, and 15 are patentably distinct from Zigmond. Claims 2-11 and 13-14 depend directly or indirectly from the above discussed independent claims and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON January 30, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Dujmich', is written over a horizontal line.

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